

Exhibit W Cause #

16 Am. Jur. 2d Constitutional Law § 77

American Jurisprudence, Second Edition | November 2021 Update

Constitutional Law

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IV. Construction of Constitutions

B. Construction in Conformity with Constitutional Language

3. Meaning of Terminology

§ 77. Avoidance of narrow, technical, or absurd construction of constitutional provision

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Constitutional Law](#) 591, 592

In accordance with the basic rules that language in a constitution is to be deemed to have been used therein in its ordinary sense,¹ the principle has been developed that the framers of a constitution are assumed to have employed the words used therein in a comprehensive sense as expressive of general ideas rather than of finer shades of thought or of narrow distinctions,² and ordinarily, words in an instrument such as the United States Constitution or a state constitution are not construed as having a narrow, contracted meaning but are presumed to have been used in a broad sense, with a view of covering all contingencies.³ Where words are used which have both a restricted and a general meaning, the general must prevail over the restricted unless the nature of the subject matter of the context clearly indicates that the limited sense is intended.⁴

Stated differently, the rule is that no forced, strained, unnatural,⁵ narrow, or technical construction should ever be placed upon the language of a constitution.⁶ Neither should the judiciary indulge in or follow any ingenious refinements or subtlety of reasoning as to the meaning of its provisions.⁷ A court will not construe a constitutional provision to arrive at a strained,⁸ impractical,⁹ or absurd result.¹⁰

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Footnotes

¹ § 76.

2 [Commonwealth v. Nickerson](#), 236 Mass. 281, 128 N.E. 273, 10 A.L.R. 1568 (1920).
 Ordinarily, courts do not construe words used in the Constitution so as to give them a narrower meaning
 than the one which they had in the common parlance of the times in which the Constitution was written.
[U.S. v. South-Eastern Underwriters Ass'n](#), 322 U.S. 533, 64 S. Ct. 1162, 88 L. Ed. 1440 (1944).
 In determining the meaning of terms in a constitution, a court must bear in mind that a constitution is not
 made for the parsing of lawyers but for the instruction of the people so that they may read and understand
 their rights and their duties. [In re Assessment of Personal Property Taxes Against Missouri Gas Energy, Div.](#)
[of Southern Union Co.](#), for Tax Years 1998, 1999, and 2000, 2008 OK 94, 234 P.3d 938 (Okla. 2008).
 3 [In re Strauss](#), 197 U.S. 324, 25 S. Ct. 535, 49 L. Ed. 774 (1905); [Hupp v. Hock-Hocking Oil & Natural Gas](#)
[Co.](#), 88 Ohio St. 61, 101 N.E. 1053 (1913).
 4 [Gaiser v. Buck](#), 203 Ind. 9, 179 N.E. 1, 82 A.L.R. 1348 (1931); [Alaska v. State](#), 1946-NMSC-035, 51 N.M.
 13, 177 P.2d 174 (1946).
 5 [Colorado State Civil Service Emp. Ass'n v. Love](#), 167 Colo. 436, 448 P.2d 624 (1968); [Jubelirer v. Rendell](#),
 598 Pa. 16, 953 A.2d 514 (2008).
 6 [State ex rel. Stephan v. Finney](#), 254 Kan. 632, 867 P.2d 1034 (1994); [Lepak v. McClain](#), 1992 OK 166, 844
 P.2d 852 (Okla. 1992).
 As to the meaning to be given constitutional language which is itself technical, see § 78.
 7 [DuPont v. DuPont](#), 32 Del. Ch. 413, 85 A.2d 724 (1951).
 8 [Brendtro v. Nelson](#), 2006 SD 71, 720 N.W.2d 670 (S.D. 2006).
 9 [Brendtro v. Nelson](#), 2006 SD 71, 720 N.W.2d 670 (S.D. 2006).
 10 [Gray v. Mitchell](#), 373 Ark. 560, 285 S.W.3d 222, 246 Ed. Law Rep. 457 (2008); [Brendtro v. Nelson](#), 2006
 SD 71, 720 N.W.2d 670 (S.D. 2006); [Cantrell v. Sweetwater County School Dist. No. 2](#), 2006 WY 57, 133
 P.3d 983, 208 Ed. Law Rep. 906 (Wyo. 2006).
 The principle that clear constitutional language does not need construction is subject to the exception that
 the literal language of a constitutional amendment may be disregarded to avoid absurd results and to give
 effect to the apparent intent of the voters. [Neilson v. City of California City](#), 133 Cal. App. 4th 1296, 35
 Cal. Rptr. 3d 453 (5th Dist. 2005).

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